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Agenda item 166
Report of the Committee on Relations with the Host Country

Letter dated 8 August 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a copy of a note verbale dated 7 August 2018 from the Ministry of Foreign Affairs of the Russian Federation to the Department of State of the United States of America regarding the continuing systematic violation of international law by the authorities of the United States, including of its obligations as a host country of the United Nations, in respect of the part of the official premises of the Permanent Mission of Russia to the United Nations that is located in Upper Brookville (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 166.

(*Signed*) V. **Safronkov**
Chargé d'affaires a.i.

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Annex to the letter dated 8 August 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

The Ministry of Foreign Affairs of the Russian Federation presents its compliments to the Department of State of the United States of America and has the honour hereby to protest against the continuing violation of international law by the United States of America in respect of the offices of the diplomatic missions and consular posts of the Russian Federation in the territory of the United States of America (in Washington, D.C., New York, San Francisco, Seattle and the States of Maryland and New York, hereinafter referred to as "the Russian missions") and their premises, on which the Department of State has imposed measures aimed at terminating the status of the Russian missions and denying Russian representatives the use of and even access to the missions.

1. The Ministry expresses its serious concern about the aforementioned measures taken by the United States authorities, the negative consequences of which go far beyond the framework of intergovernmental relations between the Russian Federation and the United States of America and undermine the principles of the sovereign equality of States and international cooperation aimed at fostering friendly relations between nations and strengthening universal peace.

2. The Ministry reaffirms that it does not accept, and cannot recognize as justified or lawful, the unilateral actions of the United States authorities, which constitute a flagrant breach of the immunities and inviolability of the aforementioned Russian missions and which present insurmountable obstacles to the fulfilment of their functions, or the claim that the Russian missions were closed in the proper manner and in accordance with the applicable international rules.

3. The Ministry emphasizes in particular that, in taking the aforementioned measures against the Russian missions, their staff and members of their families, the United States authorities were deliberately using a "procedure" under the Foreign Missions Act that made it very complicated or impossible to address, in an orderly manner and within a reasonable time frame, a whole range of issues relating to the cessation of the operation of the Russian missions, including the removal of property and archives and the making of arrangements for staff and their family members. As a result, the United States authorities have, inter alia, created serious obstacles to the normal functioning of the existing Russian missions.

The Ministry notes that the way in which these measures were implemented was unprecedented and was accompanied by the unauthorized intrusion of the United States authorities into the premises of the Russian missions, the arbitrary removal of the State flag of the Russian Federation and the breach of the inviolability of the missions' archives.

The Ministry also notes that, despite the systematic protests of the Russian Federation, these repressive acts, which are incompatible with the obligations of the United States under the Charter of the United Nations, the Vienna Convention on Diplomatic Relations of 18 April 1961, the Vienna Convention on Consular Relations of 24 April 1963, the Consular Convention between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America of 1 June 1964, the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations of 26 June 1947, have not ceased to date.

The Russian Federation has therefore been forced, in response, to take measures in respect of a number of United States facilities in Russian territory; under other circumstances, it would have preferred to refrain from taking such measures. The Ministry notes that, nonetheless, these measures have not so far been entirely comparable — the Russian Federation is not seeking to terminate the status of the premises of United States diplomatic or consular missions or to interfere with the immunities and inviolability enjoyed by such premises — and reserves the right to take additional countermeasures if the United States continues its violations.

4. The United States, as a host country of the United Nations, is today committing a clear and flagrant violation of its obligations under international law to the Organization and to the Russian Federation as a Member State, in that, inter alia, it has blocked access to part of the premises of the Permanent Mission of the Russian Federation to the United Nations and has breached its inviolability.

In so doing, the United States authorities are pointedly disregarding their obligations under the aforementioned Convention of 13 February 1946 and

Agreement of 26 June 1947 and also the decisions taken regarding the premises of the Permanent Mission of Russia by the Committee on Relations with the Host Country and the General Assembly (resolution 72/124, para. 3). In particular, despite the General Assembly's prohibition of the pursuit of a bilateral agenda in matters relating to the normal functioning of States' missions to the United Nations, the United States authorities are irresponsibly continuing their unlawful conduct, which has already become a matter of serious concern in the Organization.

5. The Ministry also reaffirms that it considers categorically unacceptable and unlawful the situation in which the authorities of the receiving State are completely and indefinitely depriving the sending State (and its authorized representatives) of the opportunity to exercise its legal right of ownership of the premises in question and the property therein. The Ministry considers that these repressive measures are equivalent in their nature and consequences to the confiscation and seizure of the aforementioned property, which is used by the sending State for sovereign purposes.

6. The Ministry also notes that staff and their family members left behind their personal belongings when they were in effect hastily expelled from the premises of the Russian missions.

In that connection, the Ministry requests that the Department of State grant the persons concerned — staff members of the Russian missions in question and their family members — access to the aforementioned premises so that they can retrieve their belongings.

7. In view of the above, the Ministry cannot be satisfied with the notes from the Department of State, in which, in response to numerous requests from the Russian Federation for access to the premises of the Russian missions, it has maintained its categorical and unfounded refusal to grant such access.

In particular, the Ministry considers it impossible to accept the formal assurances of the Department of State that it is taking "reasonable measures to safeguard the security and safety of the property", bearing in mind, inter alia, that, if a property has been arbitrarily and unlawfully confiscated, even safeguarding its security and safety is a violation of the right to private property, as the owner is unlawfully deprived of its rights and authority to own, use and dispose of that property.

In the light of the systematic refusals by the United States authorities to grant Russian representatives access to the aforementioned premises, the Ministry has the honour to request that the Department of State provide the fullest possible information on:

(a) The measures that, according to the assurances of the United States authorities, have been taken to ensure the security and safety of the property during the period of time that has elapsed;

(b) The current state of the buildings and structures concerned, their interior decor and furnishings, the adjoining land, the utilities serving them, etc.;

(c) Modifications of any kind that have been made, without the express consent of the Russian Federation as sovereign and owner, to the premises of the Russian missions in question since their forced closure, in particular whether such measures could affect the property's attractiveness or market value;

(d) A complete list of individuals who have entered the Russian missions in question without the consent of the Russian Federation since their forced closure, with an indication of the individuals' names and positions and the purpose of their visits, and also the grounds for such intrusion into these facilities against the will of their owner;

(c) The use by the United States authorities of part of the premises of the Permanent Mission of the Russian Federation to the United Nations, as evidenced by the water and electricity bills that have been received for these facilities.

The Ministry would also be extremely grateful for information from the Department of State on the form and substance of the legal acts adopted by it on the basis of the Foreign Missions Act and in accordance with which the so-called "reasonable measures to safeguard the security and safety" of the Russian missions have been implemented.

The Ministry takes this opportunity to convey to the Department of State the renewed assurances of its highest consideration.

7 August 2018

United Nations A/72/949–S/2018/591

General Assembly
Security Council

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21 August 2018

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General Assembly
Seventy-second session
Agenda item 34
Prevention of armed conflict

Security Council
Seventy-third year

Letter dated 17 August 2018 from the representatives of Liechtenstein and Qatar to the United Nations addressed to the President of the General Assembly and the President of the Security Council

We have the honour to forward herewith a joint letter dated 17 August 2018 by Aurelia Frick, Minister for Foreign Affairs, Justice and Culture of the Principality of Liechtenstein, and Sheikh Mohammed bin Abdulrahman bin Jassim Al-Thani, Deputy Prime Minister and Minister for Foreign Affairs of the State of Qatar, concerning violations of international humanitarian law and international human rights law in connection with the recent reports of official death notices of a large number of arbitrarily detained civilians, including political detainees and others perceived to oppose the authorities in the Syrian Arab Republic (see annex).

We would appreciate it if the present letter and its annex could be circulated to the members of the General Assembly and the Security Council and issued as a document of the Assembly, under agenda item 34, and of the Council.

(*Signed*) Georg **Sparber**
Chargé d'affaires a.i.
Permanent Mission of Liechtenstein to the United Nations

(*Signed*) Alya Ahmed S. **Al-Thani**
Ambassador
Permanent Representative of Qatar to the United Nations

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Annex to the letter dated 17 August 2018 from the representatives of Liechtenstein and Qatar to the United Nations addressed to the President of the General Assembly and the President of the Security Council

We have the honour to write to you on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, New Zealand, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom, the United States of America as well as our own Governments.

We write to you to express alarm and deep concern at recent reports of the emergence of large numbers of death notices issued by the Syrian authorities that document the death of arbitrarily detained civilians, including political detainees and others perceived to oppose the authorities, who were subject to enforced disappearances since the start of the uprising.

According to Syrian and international human rights groups, death notices are being issued at an unprecedented rate for large numbers of detainees who have perished since March 2011. These documents are being issued by the civil registry offices upon receiving from the Syrian Defence Ministry lists of names of deceased detainees and by the military police, which releases death certificates listing medical causes for the deceased, such as heart attacks or strokes. The documents routinely fail to explain the circumstances of the enforced disappearance and death of the detainee. According to Syrian and international human rights groups, thousands of detainees have died under torture, due to deteriorating humanitarian conditions, or were extrajudicially executed. Often, individuals who were arrested together have the same death date, which may indicate systematic executions.

The families of detainees forcibly disappeared by the Syrian authorities have been unable to ascertain the fate of their loved ones for years. Recently, many families were shocked to learn from Syrian authorities that their relatives have been officially recorded as dead. These families are unable to announce the news of the detainees' deaths and to arrange funeral services for fear of retribution by the security services. In addition, families have often not received the body of the deceased, nor have they been informed about the location of the body or the circumstances and cause of death. The Syrian authorities should identify and return the bodies to their respective families.

Recent disclosures may corroborate the 2013 report known as the "Caesar report", which is based on evidence smuggled by a defector, including more than 53,000 pictures which document the execution of thousands of detainees. According to international human rights organizations, 6,786 unique victims were identified in those pictures.[1] These recent disclosures may also corroborate findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, which stated in one of its reports that detainees have been beaten to death, died as a result of injuries sustained due to torture, or perished as a consequence of inhumane living conditions, amounting to war crimes and crimes against humanity, including those involving extermination, murder, torture, imprisonment, enforced disappearance and other inhumane acts.[2]

[1] See https://www.hrw.org/report/2015/12/16/if-dead-could-speak/mass-deaths-and-torture-syrias-detention-facilities.

[2] See A/HRC/31/CRP.1.

These acts constitute flagrant violations of international humanitarian law and international human rights law, and further violate basic rights enshrined in the Universal Declaration of Human Rights. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the Syrian Arab Republic is a State party, imposes additional obligations on the authorities to refrain from such conduct.

The increased rate of official death notices reflects a policy geared towards impunity by the Syrian authorities without fear of legal consequences, and may amount to tacit admission of responsibility for the deaths of the detainees. As noted by the Commission of Inquiry, incidents of this nature and at this scale have amounted to war crimes and crimes against humanity[3] and further demonstrate the need for comprehensive investigation and accountability under international law. Yet, the Syrian authorities demonstrate no intent or ability to launch legitimate investigations or criminal prosecutions against those allegedly responsible for these crimes, but rather protect them and legalize their actions with procedures of the sort described herein. Such actions further demonstrate the need for the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, which was established by General Assembly resolution 71/248.

Achieving accountability for mass atrocity crimes is essential for creating the conditions conducive to sustainable peace in the Syrian Arab Republic, through the United Nations-led efforts. Arbitrary detention and torture are in violation of international law and in defiance of various Security Council resolutions, including resolution 2254 (2015), and must be addressed within the framework of the United Nations-led process. We also reiterate the call by the Security Council to release any arbitrarily detained persons.

We urge the Security Council and the General Assembly to take necessary steps to fully investigate all possible atrocities and hold those responsible for these serious atrocities to account and safeguard the lives, freedom and human rights of the Syrian people.

(*Signed*) Aurelia **Frick**
Minister for Foreign Affairs, Justice and Culture
of the Principality of Liechtenstein

(*Signed*) Mohammed bin Abdulrahman bin Jassim **Al-Thani**
Deputy Prime Minister and Minister for Foreign Affairs
of the State of Qatar

[3] Ibid.